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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION)	DOCKET NO.
On Its Own Motion)	12-0213
)	
)	
Implementation of Section)	
16-128A(a) of the Public Utilities)	
Act.)	

Springfield, Illinois
Tuesday, April 17, 2012

Met, pursuant to notice, at 9:15 a.m.

BEFORE:

MR. JOHN ALBERS, Administrative Law Judge

APPEARANCES:

MR. JOHN L. SAGONE
Office of General Counsel
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

(Appearing via teleconference on
behalf of Staff witnesses of the
Illinois Commerce Commission)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1 APPEARANCES: (Continued)

2 MS. CHRISTIE REDD HICKS
3 Citizens Utility Board
4 309 West Washington, Suite 800
5 Chicago, Illinois 60606

6 (Appearing via teleconference on
7 behalf of the Citizens Utility
8 Board)

9 MR. JOHN E. ROONEY
10 ROONEY, RIPPKE & RATNASWAMY, LLP
11 350 West Hubbard Street, Suite 430
12 Chicago, Illinois 60654

13 (Appearing via teleconference on
14 behalf of Commonwealth Edison
15 Company)

16 MS. CATHY C. YU
17 MR. JAMES GIGNAC
18 Public Utilities Bureau
19 Illinois Attorney General's Office
20 100 West Randolph Street, 11th Floor
21 Chicago, Illinois 60601

22 (Appearing via teleconference on
 behalf of the People of the
 State of Illinois)

23 MR. BRADLEY D. KLEIN
24 Senior Attorney
25 Environmental Law & Policy Center
26 35 East Wacker Drive, Suite 1600
27 Chicago, Illinois 60601

28 (Appearing via teleconference on
29 behalf of the Environmental Law
30 & Policy Center)

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2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
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13		<u>EXHIBITS</u>			
14					
15				<u>MARKED</u>	<u>ADMITTED</u>
16	(None)				
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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 12-0213. This docket was initiated by the Commission's own motion and concerns the implementation of Section 16-128A(a), for the court reporter's benefit, of the Public Utilities Act.

May I have the appearances for the record, please?

MR. SAGONE: On behalf of the Staff witnesses of the Illinois Commerce Commission, John Sagone, 160 North LaSalle Street, Suite C-800, Chicago, 60601, phone number is (312) 814-2908.

MR. FITZHENRY: Edward Fitzhenry for Ameren Illinois Company, and the address is 1901 Chouteau Avenue, Mail Code 1310, St. Louis, Missouri 63103.

MR. ROONEY: On behalf of Commonwealth Edison Company, John Rooney from the firm Rooney, Rippie and Ratnaswamy, L.L.P., 350 West Hubbard Street, Suite 430, Chicago, Illinois 60654.

MR. KLEIN: On behalf of the Environmental Law and Policy Center, Brad Klein, K-L-E-I-N, 35 East

1 Wacker Drive, Suite 1600, Chicago, Illinois 60601,
2 phone number is (312) 795-3746.

3 JUDGE ALBERS: Let's pause for a minute here.

4 (Pause.)

5 JUDGE ALBERS: Mr. Klein, can you just repeat
6 your appearance because the court reporter didn't get
7 much of that at all, really.

8 MR. KLEIN: No problem. On behalf of the
9 Environmental Law and Policy Center, Brad Klein,
10 spelled K-L-E-I-N, 35 East Wacker Drive, Suite 1600,
11 Chicago, Illinois 60601, phone number is
12 (312) 795-3746.

13 MS. HICKS: On behalf of the Citizens Utility
14 Board, Christie Hicks, 309 West Washington, Suite
15 800, Chicago, Illinois 60606.

16 MR. JOLLY: On behalf of the City of Chicago,
17 Ronald D. Jolly and Graham McCahan, 30 North LaSalle,
18 Suite 1400, Chicago, Illinois 60602.

19 MS. MOORE: Appearing on behalf of MidAmerican
20 Energy, Jennifer Moore and Suzan Stewart, 106 East
21 Second Street, Davenport, Iowa 52801.

22 MS. YU: On behalf of the Office of the

1 Illinois Attorney General, Cathy Yu and James Gignac,
2 G-I-G-N-A-C, 100 West Randolph Street, Chicago,
3 Illinois 60601.

4 MR. BRAMLET: Appearing on behalf of Mt. Carmel
5 Public Utility Company, Eric Bramlet. Mailing
6 address is Post Office Box 278, Mt. Carmel, Illinois
7 62863.

8 JUDGE ALBERS: Any others wishing to enter an
9 appearance?

10 (No response.)

11 Let the record show no response.

12 In terms of preliminary matters, I
13 have received the Petitions to Intervene of ComEd,
14 CUB, Ameren, Mt. Carmel, MidAmerican and the
15 Environmental Law and Policy Center. Any objection
16 to any of those Petitions to Intervene?

17 (No response.)

18 Hearing none, then they are all
19 granted.

20 And I would also note for the record
21 that on April 6 we received the AG's entry of
22 appearance. Any other preliminary matters this

1 morning?

2 (No response.)

3 Moving ahead then, under the statute
4 there is a deadline in this rulemaking. As I
5 calculate it, we would need to adopt final rules by
6 April 26 of 2013, although the statute does allow the
7 use of emergency rules. And if we tack that
8 additional time onto the end of the first period,
9 that would get us to September 23, 2013, as I
10 calculate it.

11 Did anybody happen to have different
12 dates?

13 MR. SAGONE: No, that is what I have calculated
14 as well. This is John Sagone.

15 JUDGE ALBERS: Okay. Has anyone had any --
16 have there been any discussions among the parties
17 regarding how to get this process started?

18 MR. SAGONE: None of which I am aware. This is
19 John Sagone again. I got added somewhat late to this
20 docket, though, so I don't know if there was any
21 conversations before I got added.

22 JUDGE ALBERS: Unless somebody speaks up, I

1 will assume there have been no discussions.

2 I think it would be prudent to try to
3 move this along as quickly as possible simply because
4 there is a deadline. And if we have to set up -- get
5 the whole process started from scratch, we should
6 probably have some time for the folks to get some
7 workshops scheduled rather quickly so that we can get
8 some kind of First Notice Rule before the Commission
9 as soon as we can.

10 MR. SAGONE: Judge, I don't know if anybody
11 else has looked at the scheduling, but I sort of
12 worked back from the date of April 26 and I came up
13 with -- it looked to me like we probably need to have
14 or go to first notice by at the latest probably about
15 the first week of December. Would that match up with
16 what anybody else has worked out?

17 JUDGE ALBERS: Well, I have not done it that
18 way. My concern is, not knowing how this is going to
19 shape up, I am not sure how contested it will be
20 then. If it is more contested, I would anticipate
21 more rounds of testimony. Again, this is a worst
22 case scenario, but more rounds of testimony. It may

1 take more time before JCAR, more time before the
2 Commission.

3 So I prefer to perhaps set a status
4 hearing in the next couple of weeks, and in the
5 meantime ask you folks to work together to come up
6 with a schedule for some workshops in the near
7 future, try to get some sense of where all of you see
8 this going and having some idea by the time we meet
9 again as to what kind of ground these rules would
10 cover. I wouldn't expect a rule on paper in the next
11 couple of weeks, but just to have some sense of when
12 we will have workshops in the near future and just
13 the subject matter generally, how broad these rules
14 might be, or narrow for that matter.

15 Does that make sense?

16 MR. FITZHENRY: Yes, Judge.

17 JUDGE ALBERS: If anybody has any questions,
18 just jump in there.

19 MR. SAGONE: No, I agree as well, Your Honor.

20 JUDGE ALBERS: Why don't we look at our
21 calendars then and see when we can all meet again in
22 a couple of weeks. We can go off the record for a

1 minute.

2 (Whereupon there was then had an
3 off-the-record discussion.)

4 JUDGE ALBERS: Back on the record then.

5 It appears that those present can
6 attend another hearing, status hearing, in this
7 matter on May 2 at nine o'clock at which time we hope
8 to be able to set more of a schedule in this case.

9 Anything else for the record today?

10 (No response.)

11 Hearing none, then thank you, all, and
12 we will continue this to nine o'clock on May 2.

13 (Whereupon the hearing in this
14 matter was continued until May
15 2, 2012, at 9:00 a.m. in
16 Springfield, Illinois.)

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